

# GRADING PERMITS & PLANS

**Purpose:** The purpose of grading plan review is to protect life, limb and property; to promote and enhance the general public welfare and a superior community environment; and to ensure the maximum possible preservation of the natural scenic character of major portions of the City, by establishing minimum standards and requirements related to land grading, excavations, and fills.

**Code Reference:** Municipal Code, Title 8, Chapter 4, Grading, Erosion and Sediment Control.

**NOTE:** Permits for grading in excess of 1,000 cubic yards require **Preliminary Grading Plan** approval by the Planning Commission. See Preliminary Grading Plan information sheet in the Planning Division.

**Grading** shall mean excavation, fill or any combination thereof; and shall include the conditions resulting from any excavation or fill.

**Permits Required For:** *(See Grading Ordinance for complete listing)*

- Grading or repair of landslides involving one hundred or more cubic yards of soil;
- Cut or fill greater than two feet on sloped land (slope greater than 4%) or greater than three feet on flat land (slope 4% or less);
- Grading or clearing resulting in any blockage or alteration of a watercourse or drainage way;
- Grading on land with the original grade below ten feet elevation (mean sea level datum);
- Clearing more than 10,000 square feet on a site sloped 10% or greater; or clearing more than one acre in size or larger (excluding agricultural grading);
- Grading or clearing within one hundred feet by horizontal measurement from the top of the bank of a watercourse, the mean high-water mark (line of vegetation) of a body of water, or within the wetlands associated with a watercourse or water body.
- Geologic and/or geotechnical site investigations, particularly when the investigation includes trenching for faults, excavation of test pits, or large diameter boring.
- In some instances early subdivision grading may be allowed prior to the approval of the final map. Some of the factors that will be evaluated include, but are not limited to, impacts to streambeds, wetlands or waterways, neighborhood impacts, hillside grading, grading above the toe of the hill and the time of year (season). This does not include fine grading, utilities or walls.

**Permits Not Required For:** *(See Grading Ordinance for complete listing)*

- Grading or clearing for a subdivision having approved final map and plans; or for a single lot commercial or industrial development having development organization review;
- Work by public utilities and local public agencies in areas where the slope of the natural terrain is less than five percent;
- An excavation below finished grade for basements and footings of a building, for a swimming pool, small retaining walls (earthwork is less than 100 cubic yards) or for any other underground structure authorized by a valid building permit where the cost of excavation is included in the building permit valuation;  
Agricultural grading not exceeding one foot in vertical height; and agricultural grading exceeding one foot in vertical height when the public works director finds that it will not conflict with the purposes of this chapter;
- Exploratory excavation conducted under the direction of a soils engineer or engineering geologist required by the City as a condition of a permit approval, provided that such exploratory excavation is conducted in compliance with any conditions imposed by the City;
- Clearing for weed abatement purposes required at the direction of the City;
- Grading or clearing activities that are directed by a public official to eliminate an imminent danger to life, health, property or provisions of essential public services.

**Permit Applications:** Applicants shall submit the application forms, plans, reports, and application fee in person to the Engineering Division, 39550 Liberty Street, 2<sup>nd</sup> Floor. See also the “Grading Permit and Grading Plan Submittal List” for a list of application requirements.

**Incomplete Applications:** An application is considered to be incomplete if any of the items on the “Grading Permit and Grading Plan Submittal List” have not been submitted, or the submitted items are deemed inadequate for review. Incomplete applications will be delayed until the submittal is determined to be complete.

**Review Time Line:** When a complete application is received, staff will review the application to determine whether to issue a permit or deny issuance of a permit. Plan check is completed within the following time periods: 1<sup>st</sup> Review (23 business days), 2<sup>nd</sup> and subsequent reviews (12 business days).

**Grading for Subdivisions:** A grading permit may be issued for subdivisions prior to approval of the subdivision map and improvement plans. Grading and erosion control plans, separate from the subdivision improvement plans, may be submitted after the first review of the improvement plans is completed. The grading permit may be issued after two improvement plan



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reviews have been completed, if no significant improvement comments are unresolved (for example: cover over utilities).

The subdivision improvement plan grading sheets may be used for the grading permit. The improvement plan sheets that are applicable shall state across the top of each sheet “**FOR PADS AND STREETS, ROUGH GRADING ONLY**”. In addition, each sheet shall have a note that says, “Subject to change pending the final approval of the subdivision improvement plans.”

**Encroachment Permit:** An encroachment permit may be required in conjunction with the grading permit, particularly for access over the right-of-way. See the Encroachment Permit requirements at [www.fremont.gov/encroachment](http://www.fremont.gov/encroachment).

**Plan Check Fee:** The minimum plan check deposit of \$600 is due with the engineering application, if not part of another application (example: subdivision application). The actual plan check fee is based on staff time required to process the application, including any appeal. Progress billings will be invoiced during the review of the project if charges exceed the initial deposit. Unused deposit balance will be refunded at the completion of the project review.

**Permit Fee:** The permit fee is based upon the amount/type of grading proposed. Staff will calculate the permit fee. The fee must be paid by the applicant prior to permit issuance.

**Grading Agreement and Surety Bonds:** Bonds or other approved surety are required for grading in excess of 1,000 cubic yards or as determined by the City Engineer. A grading agreement, performance bond and insurance shall be provided by the applicant prior to permit issuance.

Requirements described on this sheet are subject to change. If you need additional information or clarification regarding grading permits, please contact the Engineering Division at (510) 494-4700 or the staff person who furnished this information sheet.

Information furnished by: \_\_\_\_\_

Phone: (510) 494 - \_\_\_\_\_, Email: \_\_\_\_\_

For proposal: \_\_\_\_\_

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